

ATTACHMENT 5

SHAUN MICHAEL BOSSE V. MIKE CARPENTER

No. CIV-18-204-R

AFFIDAVIT OF JULIE GARDNER


STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) ss.

Before me, the undersigned Notary, on this 21st day of February, 2019, personally appeared Julie Gardner, known to me of lawful age, who being by me first duly sworn, on her oath, deposes and says:

1. My name is Julie Gardner. I am an investigator with the Federal Public Defender's Office of the Western District of Oklahoma.
2. I was assigned the task of determining whether the crime in *Shaun Michael Bosse vs. Mike Carpenter* occurred in "Indian country." I investigated whether the land was an allotment that was restricted against alienation and whether the land was within the boundaries of the Chickasaw Nation Reservation. At the conclusion of my research and with the consensus of all the individuals I contacted, I determined the crime occurred on allotment that is not restricted against alienation, but was owned in fee simple by Johnny and Ginger Griffin. I did conclude, however, that the land in question is within the boundaries of the Chickasaw Nation Reservation.
3. My research began by contacting the Bureau of Indian Affairs (BIA) in Muskogee, Oklahoma. I was told they would need to know the name(s) of the original allottees to be able to look up the patent on this property. Because I did not know this information, I went to the McClain County Assessor's Office. After I provided them with the address of the crime scene, 15734 212th St, Purcell, OK, they gave me the legal description: Lot 44, Sandy Creek, Being a part of Section 1, Township 6 North, Range 4 West, located in McClain County, Oklahoma. This information was from the warranty deed deeding this property to Johnny and Ginger Griffin. Johnny Griffin is the father of one of the victims – Katrina Griffin. *See attached Exhibit A (Warranty Deed).*
5. The McClain County Assessor's Office suggested a title search. I called and spoke to Deborah at American Abstract and Title Company. Deborah provided me the names of two people to whom the land was originally allotted – **Mary (May) E. Roberts**, Roll #15584, Census Card #3843, Choctaw by blood, born 9/25/1902, 1/16th and **George W. Roberts**, Roll#1219, Census Card #3843, Choctaw by Intermarriage. Deborah explained that George Roberts married into the tribe and had no percentage of Indian blood.
6. I subsequently emailed Lanora James, who is with the (BIA) and provided her the Roberts' names, roll numbers, and census card numbers. She responded that the property would not have been restricted due to George Roberts not having any percentage of Choctaw blood and Mary (May) E. Roberts being only 1/16th Indian blood. She told me restrictions on the allotments to individuals less than half-blood were lifted by Act of May 27, 1908.

8. Both tracts of land allotted to Mary and George Roberts, as individual recipients, came directly from the Chickasaw and Choctaw Tribes on May 15, 1905 and, as such, were allotments within the boundaries of the Chickasaw Reservation as it existed in 1905. *See* Exhibit B (Allotment Patent No. 17648 transferring 160 acres from Choctaw and Chickasaw Nations to George W. Roberts); Exhibit C (Allotment Patent No. 18600 transferring 160 acres from Choctaw and Chickasaw Nations to Mary E. Roberts).
9. I swear and affirm that the foregoing statement is true and correct to the best of my ability and recollection.

FURTHER AFFIANT SAYETH NOT.


Julie Gardner

Subscribed and sworn to me this 21st day of February, 2019.




NOTARY PUBLIC

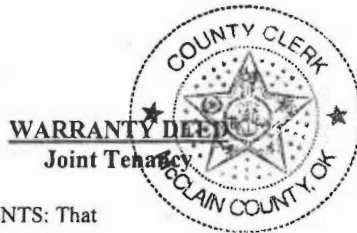
My commission number is:

01009749

My commission expires:

6/11/21

I-2004-001818 Book 1694 Pg: 67
 03/02/2004 12:10 pm Page(s) 067-067
 Fee: \$ 13.00 Doc: \$ 0.00
 Lois Hawkins - McClain County Clerk
 State of Oklahoma



By Marian L. Griffin Deputy
 2197 1/2 Lane
 Pinedale OK 73080

KNOW ALL MEN BY THESE PRESENTS: That

Donald E. Griffin and Marian L. Griffin, husband and wife, party of the first part, ("Grantors") in consideration of the sum of Ten (10) Dollars, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Johnny G. Griffin and Ginger K. Griffin**, husband and wife, as joint tenants with right of survivorship, the whole estate to vest in the survivor in the event of the death of the other, and not as tenants in common, party of the second part, ("Grantees") the following described real property and premises, situated in McClain County, State of Oklahoma, to wit:

LOT FORTY-FOUR (44), SANDY CREEK, BEING PART OF SECTION ONE (1), TOWNSHIP SIX (6) NORTH, RANGE FOUR (4) WEST, MCCLAIN COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

together with all the improvements thereon and appurtenances thereunto belonging, and warrant title to the same.

To have and to hold said described premises unto the said parties of the second party, **JOHNNY G. GRIFFIN and GINGER K. GRIFFIN**, husband and wife, their heirs, and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, SUBJECT to existing zoning ordinances, restrictions, easements and mineral rights previously reserved, or conveyed of record.

Signed and delivered this 2 day of March, 2004.

Donald E. Griffin
 Donald E. Griffin
Marian L. Griffin
 Marian L. Griffin

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
 COUNTY OF MCCLAIN) ss.

Before me, in and for said County and State, on this 2nd day of March, 2004, personally appeared **Donald E. Griffin and Marian L. Griffin**, husband and wife, to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledge to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Joyce Dandy
 Notary Public

My commission expires:

04-04-05
 # 01005107

EXHIBIT A

ATTACHMENT 5

S - 2

49

ALLOTMENT PATENT.

CHOCTAW BY INTERMARRIAGE ROLL NO. 1219

NO. 17648

DATE OF CERTIFICATE May 15, 1905

THE CHOCTAW AND CHICKASAW NATIONS. INDIAN TERRITORY.

To All To Whom These Presents Shall Come, Greeting:

WHEREAS, By the Act of Congress, Approved July 1, 1902 (32 Stat., 641), and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, it was provided that there should be allotted by the Commission to the Five Civilized Tribes, to each citizen of the Choctaw and Chickasaw Nations land equal in value to three hundred and twenty acres of the average allottable lands of the Choctaw and Chickasaw Nations; and,

WHEREAS, It was provided by said Act of Congress that each member of said tribes shall at the time of the selection of his allotment, designate, or have selected or designated for him, from his allotment, land equal in value to one hundred and sixty acres of the average allottable land of the Choctaw and Chickasaw Nations, as nearly as may be, as a homestead, for which separate certificate and patent shall issue; and,

WHEREAS, The said Commission to the Five Civilized Tribes has certified that the land hereinafter described has been selected by or on behalf of George W. Roberts a citizen of the Choctaw Nation as an allotment, exclusive of land equal in value to one hundred and sixty acres of the average allottable lands of the Choctaw and Chickasaw Nation selected as a homestead as aforesaid:

Now, THEREFORE, We, the undersigned, the Principal Chief of the Choctaw Nation, and the Governor of the Chickasaw Nation, by virtue of the power and authority vested in us by the twenty-ninth section of the Act of Congress of the United States, approved June 28, 1898 (30 Stat., 495), have granted and conveyed, and by these presents do grant and convey unto the said George W. Roberts

all right, title and interest of the Choctaw and Chickasaw Nations and all other citizens of Said Nations, in and to the following described land, viz:

The South East quarter of the South West quarter of the North East quarter and the South West quarter of the South East quarter of the North East quarter of Section One (1), Township Six (6) North and Range Four (4) West and the South West quarter of the South West quarter of the North West quarter and the West Half of the North West quarter of the South West quarter and the South East quarter of the North West quarter of the South West quarter of Section Thirty-two (32) and the East Half of the North West quarter of the North East quarter and the South West quarter of the North West quarter of the North East quarter of Section Thirty-three (33), Township Six (6) North and Range Four (4) West, and the East Half of the South West quarter of the North West quarter of Section Twenty-three (23), Township Four (4) North and Range Four (4) West (Chickasaw Nation),

of the Indian Base and Meridian, in Indian Territory, containing

One Hundred and Ten (110)

acres, more or less, as the case may be, according to the United States survey thereof, subject, however, to the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641).

**BUREAU OF INDIAN AFFAIRS
MUSKOGEE, OKLAHOMA
CERTIFIED TRUE COPY**

CERTIFYING OFFICER

SEAL

SEAL

IN WITNESS WHEREOF, We, the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, have hereunto set our hands and caused the great seal of our respective nations to be affixed at the dates hereinafter shown.

Date, Apr 18, 1906, 1906

Green McQuinn
Principal Chief of the Choctaw Nation.

Date, April 24, 1906

Douglas H. Johnston
Governor of the Chickasaw Nation.

Department of the Interior,

L. R. S. Approved July 16, 1906, 1906

Thomas Ryan
Acting Secretary.

By Oliver A. Phelps
Clerk.

Filed for record on the 23 day of July, 1906, at 11 o'clock P. M

EXHIBIT B

ATTACHMENT 5

CHOCOLATE BY PLANT ROLL NO. 15584
DATE OF CERTIFICATE May 15, 1905

To All To Whom These Presents Shall Come, Greeting:

WHEREAS, It was provided by said Act of Congress that each member of said tribes shall, at the time of the selection of his allotment, designate, or have selected and designated for him, from his allotment, land equal in value to one hundred and sixty acres of the average allottable land of the Choctaw and Chickasaw Nations, as nearly as may be, as a homestead, for which separate certificate and patent shall issue; and,

Now, THEREFORE, We, the undersigned, the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, by virtue of the power and authority vested in us by the twenty-ninth section of the Act of Congress of the United States, approved June 28, 1898 (30 Stat., 495), have granted and conveyed, and by these presents do grant and convey unto the said Mary E. Roberts of the Choctaw and Chickasaw Nations

and of all other citizens of said Nations, in and to the following described land, viz:

The South West quarter of the South West quarter of section One (1) and the North East quarter of the North East quarter of the South East quarter of section Two (2) Township Six (6) North and Range Four (4) West and the South West quarter of the North West quarter of the North East quarter and the East Half of the North East quarter of the North West quarter and the South West quarter of the North East quarter and the South West quarter of the South East quarter of the North East quarter and the West Half of the North West quarter of the South East quarter of section Three (3) Township Six (6) North and Range Four (4) West. (Chickasaw Nation)

of the Indian Base and Meridian, in Indian Territory, containing

One Hundred and Fifty (150)

acres, more or less, as the case may be, according to the United States survey thereof, subject, however to the act of Congress approved July 1, 1902 (32 Stat., 641).

IN WITNESS WHEREOF, We, the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, have hereunto set our hands and caused the great seal of our respective Nations to be affixed at the dates herein after shown.

Date, Sep 12, 1906 190

Date, Green Mc Lendon
Principal Chief of the Choctaw Nation.

Dated, August - 31, 1906

Donnas H. Johnson
Governor of the Chickasaw Nation

Department of the Interior,

Approved..... *Oct-29-1906* 190.....

Elmer A. Stuchcock Secretary

By Oliver A. Phelps Clerk

Filed for record on the 5 day of Nov 1906, at 1 o'clock (-) M.

ATTACHMENT 5